

Dutch q.

SENTENCEIn the Name of the Queen.

Used ✓

The Temporary Court martial in MACASSAR in the case of the Prosecutor, *ratione officii*, against:

- I. MOTOMURA Shigeki,
aged 37, born in NAGASAKI KEN, Sub. Lieutenant, Japanese navy, formerly second-in-command (officer attached) of the TOKKEITAI (Special Jap. naval police) in MACASSAR (in custody).
- II. SAKAI Chobei,
aged 36, born in NAGASAKI KEN, Warrant-Officer, Japanese navy, formerly senior officer of the TOKKEITAI in MACASSAR (in custody).
- III. TOMITA Toshimitsu,
aged 36, born in KUMAMOTO KEN, Petty-Officer, Japanese navy, formerly member of the TOKKEITAI in MACASSAR (in custody).
- IV. MINAMI Tooru,
aged 36, born in MIJAZAKI KEN, Warrant-Officer, Japanese navy, formerly member of the TOKKEITAI in MACASSAR (in custody).
- V. MANABE Shigeo,
aged 36, born in FUKUOKA KEN, Warrant-Officer, Japanese navy, formerly member of the TOKKEITAI in MACASSAR (in custody).
- VI. NAKASHIMA Busumu,
aged 36, born in FUKUOKA KEN, Chief Petty Officer, Japanese navy, formerly member of the TOKKEITAI in MACASSAR (in custody).
- VII. ONO Yoshio,
aged 36, born in KAWAGA KEN, Warrant-Officer, Japanese navy, formerly member of the TOKKEITAI in MACASSAR (in custody).
- VIII. SHIBA Yoshihiro,
aged 35, born in KOCHI KEN, Warrant-Officer, Japanese navy, formerly member of the TOKKEITAI in MACASSAR (in custody).
- IX. EGUCHI Tokyo,
aged 34, born in SAGA KEN, Warrant-Officer, Japanese navy, formerly member of the TOKKEITAI in MACASSAR (in custody).
- X. SHIMITSU Isamu,
aged 32, born in EHIME KEN, Petty Officer, Japanese navy, formerly member of the TOKKEITAI in MACASSAR (in custody).
- XI. MASUDA Tamotsu,
aged 34, born in FUKUOKA KEN, Chief Petty Officer, Japanese navy, formerly member of the TOKKEITAI in MACASSAR (in custody).
- XII. OKU Masashige,
aged 32, born in KAGOSHIMA KEN, Chief Petty Officer, Japanese navy, formerly member of the TOKKEITAI in MACASSAR (in custody).
- XIII. TERAYAMA Choichi,
aged 34, born in FUKUOKA KEN, Chief Petty Officer, Japanese navy, formerly member of the TOKKEITAI in MACASSAR (in custody).

XIV. DOI Noboru,

aged 27, born in MACASSAR, bicycle dealer, formerly interpreter to the TOKKEITAI in MACASSAR (in custody).

XV. NAKATA Fusao,

aged 33, born in KUMAMOTO KEN, Able Seaman 1st.class, Japanese navy, formerly chauffeur to the TOKKEITAI in MACASSAR (in custody).

XVI. SENO - O Shigeichi,

aged 40, born in TOKUSHIMA KEN, Chief Petty Officer, Japanese navy, formerly member of the TOKKEITAI in MACASSAR (in custody).

In view of the order dated 5th May 1947 issued by the Prosecutor in MACASSAR committing the case for trial by the Temporary Court-martial, in which order the accused are charged:

"that in the period from March 1942 to August 1945, therefore in time of war, the Special Japanese Naval Police Organisation in MACASSAR called the TOKKEITAI, of which the accused, subjects of the enemy power Japan, formed part as second-in-command and members respectively, these TOKKEITAI being therefore a group in the sense of art. 10 of Statute Book 1946 No.45 committed war crimes within the framework of its activities, the said unit having by means of its members, contrary to the laws and customs of war carried out unlawful mass arrests and/or exercised systematic terrorism against persons suspected by the Japanese of punishable acts and therefore for that or some other reason arrested, this systematic terrorism taking the form of repeated, regular and lengthy torture and/or ill-treatment, the seizing of men and women on the grounds of wild rumours, repeatedly striking them with the hand and with sticks during their interrogation, kicking them with the shod foot, hanging them up by the arm or leg, burning them with glowing cigarettes and bicycle bells, wrenching their knee-joints apart, stripping women and exposing them in this condition to the public view, withholding food from arrestees, compelling them to put their thumb print on blank sheets of paper, at anyrate one or more of the aforesaid acts, or else ordered, encouraged or allowed them, knowing that one or more of the said acts were being committed by those under them, the aforesaid acts having led or at least contributed to the death, severe physical and mental suffering of many and the condemning to death and imprisonment of several innocent persons" the following having in particular:

1st. accused, MOTOMURA Shigeki:

I. as second-in-command, at anyrate as an officer attached to the TOKKEITAI, charged with the general control of the TOKKEITAI of South-west CELEBES, in his term of office, i.e. from 11th November 1943 to 15th August 1945, ordered, encouraged or allowed one or more of the aforesaid acts to be committed by his subordinates against:

- a. a large group of persons arrested in January 1945, suspected of spreading anti-Japanese placards and other writings, among them being SOEPARDI, MIDI, Raden SALEH, S.PATTIRANE, P.SIAHAJA, Ch.LOUHANAPESSY, J.KAILOLA, Hadji KAMALOEDDIN, Ch.WENSVEEN and THOENG TOK LEANG;
- b. a large group of persons arrested in January 1945 on the grounds of refusing to work for the Japanese and of espionage, among them being M.PANGALILA, WAROKA, PAHENDONG, Mrs. PAHENDONG, LOMBOJAN, PINONTCHAN, J.KAMU, NJ.MAMESA;
- c. a large group of persons arrested in NAMOEDJOE and MADJENE in November 1944 accused of espionage and conspiracy, among them being SOELIWANA, TJOKANG, MARALI, SAGERAN, Mrs. RAEDA, SAMAN, Mrs. SOELIWATI, SITTI, MAEMENA, SITI HASNAH, MUSTAPA, ABDUL WAHAB, Moeh THAMA, PABI, Gouw BENG HOEY, Mrs. TEHUPEIERY,

- Sgt. GASPERZ -

Sergt.GASPERSZ, TJATJO, DANGA, SIKANG, Mrs. GASPERSZ, SANGKALA, J.HULATILA;

- d. a group of persons arrested in MACASSAR and after July 1943, in so far as they were still with the TOKKEITAI in MACASSAR after 11th. November 1943;
- e. THE HAP TJENG, arrested on 7th. March 1945.
- II. about January 1945 seriously ill-treated three American airmen in the TOKKEITAI building in MACASSAR in the way described above.
- III. in January 1945 ordered that all food was to be withheld for four days from the political prisoner W.F. de QUILETTE, detained by the TOKKEITAI.

(2nd. accused SAKAI Chobei.

- I. as senior petty officer in the TOKKEITAI, in addition to his own task as investigation officer, charged under and next to the 1st. accused with the general control of the TOKKEITAI, during his period of office from December 1943 to 15 August 1945 ordered, encouraged or allowed the acts charged against the 1st. accused under I;
- II. about July 1943, in MACASSAR, seriously ill-treated in the way described above J.LILIPALY and HAMZAH, Gelarang of BORONGLOE, who were arrested during the mass arrests of July 1943 in MACASSAR and its surroundings;
- III. about March 1943, in MACASSAR, seriously ill-treated in the way described above THOENG TOK LEANG, jointly suspected in the case of TAN SING TJIANG of spreading Allied broadcast news.

(3rd. accused, TOMITA Toshimitsu.

about July 1943, in MACASSAR, ill-treated HAMZAH, Gelarang of BORONGLOE, and others who were arrested during the mass arrests of July 1943.

(4th. accused, MINAMI Tooru.

- I. as head of the TOKKEITAI detachment in MALILI POSSO and/or MASAMBA, about the end of October 1943 ordered, encouraged or allowed his subordinates OKU and SEIIKI to seriously ill-treat in the way described above J.Z.SOUIZA, A.PATURUSI, P.TANDI, DJAWI, BENJAMINS, SAERANG, KAIRUPAN, ABDULRACHMAN, PESIK, GOMAR, PENTJANA SIGLIPU and PANGEMANAN; at anyrate one or more of them;
- II. in 1945, in PALOPO, raped Mrs. MARTINA EVERDINE VOLLE;
- III. about July 1943, in MACASSAR, seriously ill-treated in the way described above THOENG TOK LEANG and HAMZAH, previously mentioned.

(5th. accused, MANABE Shigeo.

- I. in July 1943, under the leadership of OGURA, and together with OKU and later assisted by SEIIKI, MINAMI and DOI, during the mass arrests in PALOPO - MAKALE - RANTEPAO and SENGGANG seriously ill-treated the following persons in the way described above: M.K.F. HENDRIKS, P.LATUPERISSA, D.A.PUELLA, NOYA, PAPILAYA, MOEHAMMAD, J.LATUPERISSA, J.SOSLISSA, J.NIKIJULUW, LATANG, MASANGKA, MOEHAMMAD ALI, MANDANGIE de la CRUZ, A.MURENAJA, Sergt.D.PATTIRANE Jr., M.GAZONG, LAWAKABESSY, HADJI MAIMONA, ACHMAD, MALANGAN, SONTAH, SOELIM, PATTIWABEL, Sergt. TELEHALA, N.JONAS.
- II. about July 1943, in MACASSAR, seriously ill-treated in the way described above Chr. WENSVEEN, accused of espionage in the case of Lt. Col. CORTIANS.

(6th. accused, NAKASHIMA Susumu.

- I. in the period between June and September 1943, in the TOKKEITAI building in MACASSAR, seriously ill-treated in the way described above Chr. WENSVEEN, LIE TJIANG WING, at anyrate one or more of the

- following -

following persons:

- a. H.LATUMETEN, Ch. WENSVEEN, G.NANLOHY, J.PEA, J.LATUPERISSA, J.USMANY, J.TAHAPARI, H.D.PICAULY, Ch.TOMASCA, KAJADOE, L. LATUMETEN, Mrs.WENSVEEN, D.PEA, Mrs. GORTMANS, O.PEA, W.RIUPASA;
- b. ANTONY, W.MUSKITA, A.TANAMAL, ANOLAHELU, PATTIKATHUTU, Sergt. PASANEA, Sergt. RISSAYBESBY, Sergt. KAPEL, LATUMETEN Jr., LIE TJANG WENG, Mrs. MESAK-MUSKITA;
- c. J.PASANEA, TOPAMAHU, A.TANASALLEH, TANDAFATU Jr., TANDAFATU Sr., Sergt. AMAT, all accused in the case against Lt.Col.GORTMANS, Sergt. LATUMETEN and Sergt. ANTONY;

- II. on a date which cannot be further precised, badly ill-treated in the way described above J.P.NANLOHY, accused of giving sweets to Allied prisoners of war;
- III. about March 1943, in MACASSAR, seriously ill-treated in the way described above LIEM YOE HENG, jointly suspected in the case against TAN SING TJIANG of spreading Allied broadcast news.

(7th accused ONO Yoshio.

- I. as head of a TOKKEITAI detachment in MANOEDJOE, in November 1944 was partially responsible for ordering and carried out unlawful mass arrests in connection with espionage and conspiracy and further, ordered, encouraged or allowed his subordinates to ill-treat in the way described above the arrested persons named under 1st. accused, Ic;
- II. about March 1943, in MACASSAR, seriously ill-treated in the way described above LIEM YOE HENG and THOENG TOK LEANG, jointly suspected in the case against TAN SING TJIANG of spreading Allied broadcast news;
- III. about July 1943, during the mass arrests in MACASSAR, seriously ill-treated in the way described above HANZAH, Gelarang of BORONG-GLOE, and TUPUMAHU, jointly suspected in the case against J.PASANEA (GORTMANS).

(8th. accused, SHIBA Yoshihiro.

- I. in January 1945, in MACASSAR seriously ill-treated in the way previously described M.PANGALILA, WAROKA, PAHENDONG. Mrs. PAHENDONG, LEMBOJAN, PINENTOAN, J.KAMU and NJONG MAMESA, at anyrate one or more of them, who were suspected of anti-Japanese sentiments;
- II. about March 1945, in MACASSAR, together and in association with YAMAGUCHI, DOI and ASAHI seriously ill-treated in the way described above one or more of the following persons suspected of spreading anti-Japanese placards, namely:
El IDROES, Corp. LUBULIMA, W.F.PRINS, Sergt. FERDINANDUS, W.F. de QUILETTE, BERG, OVERBEER,

(9th. accused, EGUCHI Tokyo.

- I. about October 1944, charged with the further examination in MACASSAR of a great number of the persons arrested in MANOEDJOE and MADJENE, previously named under 1st. accused I.c., seriously ill-treated one or more of these persons in the way previously described at anyrate ordered, encouraged or allowed this to be done by members of the TOKKEITAI who were inferior in rank to or younger than him.
- II. about 1943, in MACASSAR, seriously ill-treated Mrs.MORKS from the women's Internment Camp in MALINO, who was accused of carrying on a correspondence with the Men's Internment Camp.
- III. about 1943 seriously ill-treated in the way previously described TOEHIRAN and Sergt. AMAT, concerned in the case of Lt. Col. GORTMANS.

(10th. accused SHIMIZU Isamu.

- I. about March 1943, in MACASSAR, seriously ill-treated in the way previously described those persons suspected of spreading Allied broadcast news, at anyrate one or more of them namely:

- TAN SING TJIANG -

TAN SING TJIANG, THIO HANG LEUNG, THOENG TOK LEANG, LIIM YOE HENG, PURVIS, RUMESSEER, W.TOPULAHU, A.TAPASALE, YOE, COAT TIEN NIO.

- II. about July 1943, in PALOPO - MAKALE - RANTEPAO and SENGKANG, either or not together and in association with his superior MANABE Shigeo, committed the acts charged against the latter (5th accused) under I.
- III. about November 1944 under the leadership of ONO in MANOEDJIE, and then as head of the TOKKEITAI detachment in MADJENE, committed one or more of the acts charged against ONO (7th accused) under I.
- IV. about Jan. 1943, in WADJC-SIWA, under the leadership of SENOO and the legal officer Lieutenant MORO, in the way previously described seriously ill-treated a number of arrestees suspected of helping the Netherlands Indies guerilla troops of Lieutenants de JONG and van DAALEN, namely:
LA MIDE, districthead of SIWA, LA ROEGA, LA TJANTJA, ANDI MAKASAO, LA MANGONG, H.ABDERRAHMAN, PANRE TAKE, AMBO GETJONG, ALI, LA PAT-JANG, LA BATJE, LA HADJI, HALIMA, LA REWOE, LA PALOE, ANDI BANRI, LA GONDINI, INDE GAWE and the telephone operator J.HORHOROW.
- V. about March 1945, in MACASSAR, so seriously ill-treated THE HAP TJENG that the latter died.

11th. accused MASUDA Tamotsu.

- I. about May 1943, in MACASSAR, for six days seriously ill-treated the political prisoner D.J.GASPERSZ.
- II. about June 1943 in MACASSAR, badly ill-treated HAMZAH, Gelarang of BORONGLOE, suspected of helping Ambonesians in PAKATO.
- III. about March 1943, in MACASSAR, seriously ill-treated THOENG TOK LEANG, suspected of spreading Allied broadcast news in the charge against TAN SING TJIANG.
- IV. from the beginning of 1943 to 15 August 1945, repeatedly raped and badly ill-treated VERA AUGUSTINA VOIL.
- V. about September 1944, charged together with OKADA and SAITO with the holding of a preliminary investigation, seriously ill-treated in PALOPO in the way previously described BASE bin DJENOD, CESAR bin DJENOD and DARMA.

12th accused OKU Masashige.

- I. about March 1943, in MACASSAR, seriously ill-treated THOENG TOK LEANG, accused in the case against TAN SING TJIANG.
- II. about July 1943 in PALOPO - MAKALE - RANTEPAO and SENGKANG, under the leadership of OGURA charged together with MANABE with the carrying out of investigations, ill-treated in the way previously described those persons already mentioned under 5th.accused,I, at anyrate M.K.F.HENDRIKS, DJABIBI and N.JONAS.
- III. in 1942 and/or 1943, in MACASSAR, together with MANABE charged with the holding of an inquiry into the case against Lt.Col. GORTMAN's group seriously ill-treated in the way previously described the persons already named under 6th. accused, at anyrate Chr. WENSEN, D.PEA, LIE TJIANG WENG and RUHKAIL.
- IV. about November 1944, in MANOEDJIE and MADJENE, as successor to ONO, head of the TOKKEITAI detachment, and charged with the investigation in connection with the mass arrests there, ordered encouraged and allowed the persons named under 1st. accused,I.c. to be seriously ill-treated.

14th accused DOI Noboru.

- I. about February 1945, in MACASSAR, together and in association with YAMAGUCHI, SHIKA and ASAMI charged with the investigation in a case concerning the spreading of anti-Japanese placards, seriously ill-treated one or more of the persons named under 1st.accused I.a

- II. about March 1943, in MACASSAR, seriously ill-treated one or more of the persons already named under 5th. accused, I, at anyrate THOENG TOK LEANG, suspected of spreading allied broadcast news in the case against TAN SING TJIANG.
- III. about July 1943, in POLOPO, together with MINAMI and SEIIKI who had arrived there to reinforce the TOKKEITAI team consisting of OGURA, MANABE, OKU, seriously ill-treated one or more of the persons named under 5th. accused, I, at anyrate W.F.K. HENDRIKS.
- IV. a. about July 1943, during the investigation after the mass arrests in MACASSAR, seriously ill-treated one or more of the persons named under 8th. accused, III, at anyrate W.F. de QUILETES and BAJA;
b. also Chr. Wensveen in the case against Lt. Col. GORTMANS.

15th. accused NAKATA Fusao:

- I. about July 1943, in MACASSAR, seriously ill-treated Mrs. FRANCIEN LILIPALY, arrested during the mass arrests in PAKATO (MACASSAR).
- II. in 1942 or 1943, in MACASSAR, seriously ill-treated the brothers HAMOHU, suspected in the case against Lt. Col. Gortmans.

16th. accused SENOO Shigeichi:

- I. about January 1943, in WADJO-SIWA, under the leadership of the legal officer Lieutenant MORO and as the superior of SHIMITZU, seriously ill-treated one or more of the persons already named under 5th. accused IV.
- II. a. in 1942 or 1943, in MACASSAR, seriously ill-treated TOPAMAHU suspected in the case J. PASANEA (Lt. Col. GORTMANS).
b. about June 1943 in MACASSAR, seriously ill-treated HAMZAH, Gelarang of BORONGLOE, previously mentioned.
c. about March 1943, in MACASSAR, seriously ill-treated THOENG TOK LEANG previously mentioned.

In view of the serving of the writ of the abovementioned committal order dated 5th. May 1947;

In view of the demand read out by the Prosecutor and then handed to the Court-martial to the effect that the Court-martial shall acquit the 13th accused TERAYAMA Shoichi of that charged against him and shall declare the accused:

- I. MOTOMURA Shigeki
- II. SAKAI Chobei
- III. TOMITA Toshimitsu
- IV. MINAMI Tooru
- V. MANABE Shigeo
- VI. NAKASHIMA Susumu
- VIII. SHIBA Yoshihiro
- IX. EGUCHI Tokyo
- X. SHIMITZU Isamu
- XI. MASUDA Tamotsu
- XII. OKO Mashashige
- XIV. DOI Noboru
- XV. NAKATA Fusao
- XVI. SENOO Shigeichi

Guilty of the war crimes:

- "A: carrying out unlawful mass arrests"
- B. Systematic terrorism"

-and-

and on that account sentence them:

- 1st. accused MOTOMURA Shigeki to death
- 2nd. accused SAKAI Chobei to death
- 3rd. accused TOMITA Toshimitsu to 1 year's imprisonment
- 4th. accused MINAMI Tooru to death
- 5th. accused MANABE Shigeo to death
- 6th. accused NAKASHIMA Susumu to death
- 8th. accused SHIBA Yoshihiro to death
- 9 th. accused EGUCHI Tokyo to death
- 10th. accused SHIMIZU Isamu to death
- 11th. accused MASUDA Tamotsu to 15 years' imprisonment
- 12th. accused OKU Masashige to death
- 14th. accused DOI Noboru to death
- 15th. accused NAKATA Fusao to 10 years' imprisonment
- 16th. accused SENOO Shigeichi to death.

Having heard the accused make their statements;
In view of that dealt with at the sitting as set down
in the record of the same;

In view of the documents in the case, in so far as use
was made of them and they read out to and shown the accused;

Considering that according to the announcement made by the
Prosecutor at the sitting the 7th. accused, ONO Yoshio, is dead
(suicide) so that the right to take proceedings against him
has lapsed;

Considering that at the sitting the accused have made
statements containing a total or partial admission and which
for the rest must be considered as a partial or total denial,
for which reason they will be given in extenso below in so far
as they cover the acts mentioned in the indictment;

1st accused MOTOMURA Shigeki:

I acknowledge being guilty of that with which I am charged
as I consider myself responsible for the deeds of my subordinates
and also for that of my deputy, the 2nd. accused SAKAI. But I
do not consider myself responsible for the actions of my subordi-
nates in those places to which they were detached. I am an
officer of the regular forces and on 11th. November 1943, with
the rank of Warrant Officer in the navy, became second - in-
command of the TOKKEITAI In MACASSAR, being attached to the
Commandant of the TOKKEITAI (Kaigun Tukubetsu Kaisatsu Tai-
special naval police detachment), the garrison commander

in MACASSAR, and remained so until the capitulation. A year later I was promoted to Sub-lieutenant. The garrison commander came under the senior Staff officer of the 23rd Special Naval Base in MACASSAR who was the actual head.

From 16th August 1944 the TOKKEITAI came directly under Naval Headquarters. The liaison between the senior Staff officer - by whom all orders were issued - and me - charged with the general control - was formed by the legal officer with whom I talked all matters over and to whom all reports and statements had to be handed. There was also a secret intelligence organisation in MACASSAR, the YOSHISUMITAI, which organisation was dissolved in April 1944, its personnel being placed at the disposition of the TOKKEITAI as an intelligence service.

The general task of the TOKKEITAI consisted in:

1. The maintenance of discipline among the Japanese forces and civilians;
2. the maintenance of order and tranquillity, especially comprising matters of political importance;
3. the supervision of the guarding of military stores.

There were printed regulations issued by the Command of the 2nd Southern Squadron.

These contained among other things that there must be a confession before a case could be sent to a court-martial (GUMPOKAI); there were also regulations as to the treatment of various matters. It was laid down that the interrogation of accused and witnesses must be done carefully so that personal opinions were excluded, thus the examination must be conducted with impartiality. Nothing was said as to the way in which a confession must or could be obtained.

During my time of office however there never were denials; all confessed at once of their own accord. There was no express prohibition of beating in the regulations, but the provisions of the regulations contained that no beating must be done. Everyone serving in the TOKKEITAI could know this. When I was appointed to the TOKKEITAI on 11th November 1943 the other accused were already working as members of it, with the exception of the 14th. accused Do1 and 15th. accused NAKATA who joined later as interpreter and chauffeur respectively.

The 2nd. accused, SAKAI, was as senior petty officer my deputy and then took on my powers.

Whenever I received orders to investigate an affair, I selected the one who was to conduct that investigation.

The man selected had independent powers of arrest and began at once with a preliminary interrogation, the results of which he sent in to me or to the 2nd. accused, SAKAI. SAKAI was also associated in the allocation of cases for I often handed this over to him. I lived in the TOKKEITAI building but I never saw any beating done, though I believe however that it did take place.

The senior Staff officer gave the orders for duty tours and I then selected who must go on these. The 2nd. accused, SAKAI, sometimes did the selecting if I was not there or following an order from me. If a group was sent out on a duty tour the senior in rank automatically took command. There were sometimes exceptions however, when a junior in rank was appointed head because he was already acquainted with the affair or was better qualified with regard to the mission. I talked over detaching with the garrison commander, ISHIDA.

-I made-

I made the proposals and ISHIDA then decided in conformity with my suggestion. Later, when the TOKKEITAI came directly under Headquarters, the senior Staff officer did this.

With regard to that with which I am charged under Ia., I can state that the investigation in January 1945 concerning the placards affair was ordered by the senior Staff officer, TOYAMA, and I carried this order out.

The investigation into the espionage affair - under Ib of the indictment - was also ordered by TOYAMA and carried out by me.

That with which I am charged under Ic - the investigation in MAMOEDJOE and MADJENE in November 1944 - was ordered by me after, and think, an order from TOYAMA's predecessor, USAWA.

I deny the rest with which I have been charged. I admit however that I never exercised a supervision over my subordinates to see whether during their interrogations they used methods which were not allowed.

2nd. accused SAKAI Chobei:

I acknowledge having committed the acts with which I am charged for I did occasionally strike someone with the flat of my hand, for instance, the witnesses HAMZAH and J. LILIPALY. I also consider myself responsible for the acts of my subordinates, but only when these took place during the time the 1st accused was absent and I replaced him.

When the 1st accused became second -in- command of the TOKKEITAI I was senior petty officer. As such my work was to pass on the 1st accused's orders to the subordinates and to receive their reports and give these to the 1st accused.

What the 1st. accused has said about the allocation of duties (allotting of cases) is correct. I myself also undertook investigations as well. I was also the senior there in the 1st. accused's absence, and when the 1st accused did happen to be present and gave me orders to this effect, I acted in his name.

I admit that what the accused has said about this is correct, as also what he has said about official tours and detaching. I

the am acquainted with TOKKEITAI regulations and I admit that what the 1st. accused has said about the regulations is correct. I too, like the 1st. accused, lived in the TOKKEITAI building.

I myself never ill-treated anybody.

I deny that with which I am charged under I and II. I was still working with the TOKKEITAI in the same function at the time of the Japanese capitulation.

Before I came to the Netherlands Indies I was in the police in NAGASAKI, this from 5th February 1935 till 8th October 1941.

I did sometimes see and hear that the TOKKEITAI beat people. I did not stop this as I did not have the power to do so; only the 1st. accused could do that.

It was necessary, however, that there should be beatings for a confession had to be forced; if beating had not taken place there would practically never have been a confession, and without this a case might not be sent by the TOKKEITAI to the Court-martial. If they denied those being interrogated were struck with the hand or a stick. Torture (the accused used the technical word of the TOKKEITAI and KEMPEITAI for this "komon" also took place; but this I disapproved of most strongly. The methods for obtaining a confession were not instructed from above but were inventions of those doing the interrogating. Such for instance as the method of the burning cigarette.

As far as the places were concerned where detachments were posted, I do not consider myself in general responsible for the acts of those detached as the 1st accused selected the men for these posts. Whenever I had to replace the 1st. accused and the detaching took place on my instructions I do then consider myself in that case to be responsible for the acts of the men detached. But I cannot remember exactly which detachings took place at my suggestion.

3rd. accused TOMITA Toshimitsu:

I deny having committed the acts with which I have been charged. I was a policeman in KOREA and on 6 August 1942 was posted to the TOKKEITAI here with the rank of leading seaman. On 1 May 1943 I was promoted to petty officer, on 1 May 1944 to chief petty officer and 1 September 1945 to warrant officer. What the 1st. accused has said about the TOKKEITAI regulations, allocation of duties, duty tours, detachings is correct. I lived in the TOKKEITAI building. I was still in the same function with the TOKKEITAI at the moment of the Japanese capitulation.

4th. accused MINAMI Tooru:

I deny having committed the acts with which I have been charged. From January 1937 till 14 October 1941, I was a policeman with the Manchurian Railway Co. On 6 August 1942 I was posted to the TOKKEITAI with the rank of leading seaman. What the 1st accused has said about the regulations, allocation of duties, duty tours and detachings is correct. I was the head in the duty tours to POSO in the period October 1943 till the end of January 1944; OKU en SEIIKI were under me. I was head of the detachment in PALOPO from 26 September 1944 till February 1945. I lived in MACASSAR in the TOKKEITAI building. I was still with the TOKKEITAI in the same function at the time of the Japanese capitulation.

5th. accused MANABE Shigeo:

I deny having committed the acts with which I have been charged. In 1936 I was working in the police station in FUKUOKA KEN and was then a police constable there from August 1938 till 8 October 1941. In the beginning of August 1942 I was posted to the TOKKEITAI with the rank of leading seaman. What the 1st. accused has said about the regulations, allocation of duties, duty tours and detachings is correct, except that in my opinion a confession was not always demanded in order that a case be sent to the Court-martial. The tour to PALOPO-MAKALE-RANTEPAO in July 1 1943 took place under the leadership of OGURA, the senior petty officer. OKU, SEIIKI, MINAMI, DOI and I took part in this tour. I was not in SENGKANG that time. In MACASSAR I lived in the TOKKEITAI building. At the time of the Japanese capitulation I was still with the TOKKEITAI in the same function.

6 th. accused MAKASHIMA Susumu:

I deny having committed the acts with which I have been charged. From 15 February 1940 till the end of September 1941 I was a police constable in KEIJO. In August 1942 I was posted to the TOKKEITAI with the rank of leading seaman. What the 1st accused has said about the regulations allocation of duties, duty tours and detachings is correct. I lived in the TOKKEITAI building. At the time of the Japanese capitulation I was still with the TOKKEITAI in the same function. I admit however that I struck witness J.P. NANLOHY three times with the flat of my hand.

8th. accused SHIBA Yoshihiro:

I deny having committed the acts with which I am charged. In August 1942 I was posted to the TOKKEITAI here with the rank of leading seaman. What the 1st. accused has said about the regulations, allocation of duties, duty tours and detachings is correct. I lived in the TOKKEITAI building. I was still in the same function with the TOKKEITAI at the time of the Japanese capitulation. I acknowledge having struck SIAHAJA three times with the flat of my hand.

9 th. accused EGUCHI Tokyo:

-I deny-

9th. accused EGUCHI Tokyo:

I deny having committed the acts with which I am charged. From 10 June 1937 till 8 October 1941 I was a police constable in the SAGA district. In August 1942 I joined the TOKKEITAI here with the rank of leading seaman. What the 1st. accused has said about the regulations, allocation of duties, duty tours and detachings is correct, but a confession was not always asked for in order to bring a case before the Court-martial. I lived in the TOKKEITAI building. I was still in the same function with the TOKKEITAI when Japan capitulated.

10th. accused SHIMITZU Isamu:

I deny having committed the acts with which I am charged. In January 1943 I was posted to the TOKKEITAI in MACASSAR with the rank of chief petty officer. What the 1st. accused has said about the regulations, allocation of duties, duty tours and detachings is correct. I lived in the TOKKEITAI building here. In January 1943 I went on a duty tour to WADJO-SIWA with MORO, SENOO and ASAHI. The legal officer MORO was in command and SENOO was my superior in rank. From 24.5.1944 till 10.1.1945 I was detached to MADJENE with ONO who was the chief. We were also in MAMOEDJOE during that period. At the time Japan capitulated I was still in the same function with the TOKKEITAI.

11th. accused MASUDA Tamotsu:

I deny having committed the acts with which I am charged. In August 1942 I was posted to the TOKKEITAI here with the rank of leading seaman. What the 1st. accused has said about the regulations, allocation of duties, duty tours and detachings is correct, but a case could be brought before the Court-martial without a confession, provided that there was sufficient evidence. I lived in the TOKKEITAI building in MACASSAR. From 26 August 1944 to 20 April 1945 I was detached to PALOPO with OKADA as chief and SAITO as interpreter. I was still in the same function with the TOKKEITAI at the capitulation of Japan.

12th. accused OKU Masashige:

I deny having committed the acts with which I am charged. In August 1942 I was posted to the TOKKEITAI here with the rank of chief petty officer. What the 1st. accused has said about the TOKKEITAI regulations, allocation of duties, duty tours and detachings is correct. I lived in MACASSAR in the TOKKEITAI building. In July 1943 I went on duty tour to PALOPO-MAKALE-RANTEPAO with OGURA and MANABE. OGURA was in command. I was detached to MADJENE with SHIMITZU from September 1944 till January 1946. I was the chief. From January 1945 till the following April OKADA was the chief and I worked under him. SHIMITZU went back to MACASSAR. When Japan capitulated I was still in the same function with the TOKKEITAI. I admit however having struck WENSVEN with the flat of my hand by order of KODAMA (the 1st. accused's predecessor). I also acknowledge having struck witness HENDRIKS three times with the flat of my hand by order of OGURA. This holds good also with regard to witness PAUL TANDI.

13th. accused TERAYAMA Shoichi:

I deny having committed the acts with which I am charged. I was posted to the TOKKEITAI here in August 1942 with the rank of chief petty officer. What the 1st. accused has said about the regulations, allocation of duties, duty tours, and detachings is correct. I lived in the TOKKEITAI building. When Japan capitulated I was still working in the same function with the TOKKEITAI.

14th. accused DOI Noboru:

I deny having committed the acts with which I am charged. In August 1944 I came to the TOKKEITAI here as an interpreter. Before that I was a naval employee and had no rank. From the end of August 1944 I lived in the TOKKEITAI building. I cannot judge as to whether what the 1st. accused has said about the regulations is correct or not as I was only an interpreter. I have never read the TOKKEITAI regulations. In July 1943 I went to PALOPO on a duty tour with MINAMI, SEIJKI, OGURA, MANABE and OKU. When Japan capitulated I was still working with the TOKKEITAI in the same function. I acknowledge however having four times struck SIAHAJA with the flat of my hand by YAMAGUCHI's orders; the same thing too with regard to THOENG TOK LEANG.

15th. accused NAKATA Fusao:

I deny having committed the acts with which I am charged. On 1 November 1944 I was temporarily put at the disposition of the TOKKEITAI as a chauffeur and so do not know whether what the 1st. accused has said about the regulations, allocation of duties, duty tours and detachments is correct. I lived in the TOKKEITAI building. By judgment of this Court-martial dated 23 January 1947 I was sentenced to 10 years imprisonment for systematic terrorism.

When Japan capitulated I was still working with the TOKKEITAI in the same function.

16th. accused SENOO Shigeichi:

I deny having committed the acts with which I am charged. From 1 May 1933 till 7 October 1940 I was in the police in OSAKA. In August 1942 I was placed with the TOKKEITAI here with the rank of chief petty officer. What the 1st. accused has said about the regulations, allocation of duties, duty tours and detachments is correct, but a case could also be brought before the Court-martial without a confession provided that there was sufficient evidence. In January 1943 I went on a duty tour to WADJO-SIWA with MORO, SHIMITZU and ASAHI. MORO, who was legal officer, was in command while I was superior in rank to SHIMITZU and ASAHI. When Japan capitulated I was still working with the TOKKEITAI in the same function.

Considering that at the sitting 114 statements, containing sworn statements and confrontations, made and held during the preliminary investigation, were read out to and shown the accused, by which statements the identity of the accused is established and a mistake of persons excluded, and through which the above-mentioned total and partial confessions are confirmed and the following evidentiary matter produced with regard to the remaining charges;

Considering however that a short dissertation must first be given as to that which has been charged so far as the component parts thereof are concerned;

Considering that this indictment is not concerned with the accused as individuals but as a group in the sense of art. 10 Stat. Book 1946 no. 45, they forming part of the special Japanese Naval Police organisation in MACASSAR called the TOKKEITAI, of which group the 1st. accused was the second -in- command and the rest respectively members, interpreter and chauffeur;

Considering that it has been charged against this group - the criminal responsibility of which will be discussed later - that contrary to the rules and customs of war it, A, carried out unlawful mass arrests and /or B, practised systematic terrorism against arrested persons, this consisting in actions specifically mentioned; all of which acts led, at anyrate contributed to the death or serious

-bodily-

bodily and mental suffering of many, and to the sentencing to death and imprisonment of several innocent persons;

Considering that under unlawful mass arrests must be understood arrests of groups of persons, firstly on the ground of wild rumours and suppositions and secondly, without definite facts and indications being present with regard to each person which justified his arrest;

Considering that the object of these mass arrests was to play various arrested persons off against each other, they being unable to have any further contact with each other, and also by means of intimidation and terrorisation either of the arrested persons or of their family, after screening and sifting to arrive at concrete indications against certain persons in order to take proceedings against these latter;

Considering that this method consequently ended at the point where in countries with democratic principles of justice an arrest can only begin, which method was also in vogue with the KEMPEITAI (special Japanese army police), and even with the Japanese civil police as the Court-martial has found when trying other cases, and which, as is generally known, formed also the well-tried method of the German Gestapo and Russian G.P.U., both of which latter organisations at interrogations worked systems analogous to those of the KEMPEITAI and TOKKEITAI;

Considering that the aforesaid mass arrests, already contained the elements of systematic terrorism in them for nobody, even the most innocent, was any longer certain of his liberty and a person once arrested, even if absolutely innocent, could no longer be sure of health and life;

Considering further that the terrorism as reflected in the charge must be considered as systematic, as the ill-treatments and tortures were not only similar as regards the various accused but were also similar to those employed everywhere by the members of the KEMPEITAI, one definite object alone being aimed at, namely the forcing of a confession without which it was impossible to bring a case before the Japanese Court-martial; further, in order to obtain this confession in the quickest and easiest manner the lines of least resistance were followed, namely, not by the collecting of copious data against an accused and so producing such conclusive evidence that denial was practically impossible, but by direct psychological and physical compulsion paralysing the resistance of the person under interrogation, the result being that on innumerable occasions a so-called confession of acts committed followed, made, by people who were entirely innocent of such;

Considering that with regard to the TOKKEITAI taken as a group, legal and convincing evidence has been produced at the sitting that it was guilty of both the aforesaid war crimes;

Considering that no incriminating evidence has been produced against the 13th accused, TERAYAMA Shoichi, and it has appeared that the war crimes previously mentioned were committed by the TOKKEITAI group without his having anything to do in the matter, so that he must be acquitted of that with which he has been charged and the order for his immediate release must be upheld;

Considering that special acts are further charged against each of the remaining accused, which acts form a handful of the total crimes committed by the group and determine closer the share that each member of this group had in the said crimes, all of which subdivisions shall be tested against the evidence produced.

1st. accused MOTOMURA Shigeki:

Considering that it has been definitely proved by the investigation at the sitting that in MAMOEDJOE and MADJENE in November 1944 a great number of people suspected of espionage and conspiracy were arrested, kept in prison, ill-treated and tortured; as also in MACASSAR, in January 1945, a large group of persons suspected of distributing anti-Japanese placards and other documents; as also in MACASSAR, in January 1945, a large group of persons on the ground of their refusing to work for the Japanese; to which groups those persons enumerated in the indictment under Ia, b, and c belonged; the consequent results

-being-

being as stated in the indictment.

Considering that the 1st. accused has stated that the investigation in the aforesaid cases was ordered by the senior Staff officers TOYAMA and USAWA and carried out by him - accused -, so that the 1st. accused must be considered responsible, not for carrying out the order which as a subordinate he could not refuse to do, but for the fact that the execution of the order took the form of mass arrests as has already been discussed, and that methods of interrogation such as mentioned above were used thereby;

under/

Considering that the 1st. accused must also be made responsible for everything experienced by the group named under Id - as shown by the witnesses' statements - after 11 November 1943, the date when his period of administration began, and responsible also for what THE HAP TJENG, mentioned / Ic, went through in the TOKKEITAI building in MACASSAR;

Considering that during the investigation that which is charged against the accused under II and III has also been proved;

With regard to the other accused:

Considering that from the investigation held at the sitting it has further appeared that the aforesaid crimes (these being especially mentioned if they were of a very serious nature) were committed against the following persons at the place and time mentioned thereby, for which, in addition to the group, the remaining accused must be individually made responsible in the way set down in the special part of the charge relating to them, while furthermore still further cases of more or less serious ill-treatment have appeared which were not specifically stated in the indictment and which equally deserve being mentioned below:

1. THE HAP TJENG, Macassar, March 1945: accused SHIMITZU, Victim dead; theft of goods to an amount of about f. 30.000.
2. SOPEARDI, Macassar, April 1945: accused SHIBA and DOI.
3. MIDIN, Macassar, April 1945: accused SHIBA and DOI.
4. RADEN SALEH, Macassar, April 1945: accused SHIBA and DOI.
5. P.I.A. SIAHAJA, Macassar, May 1945: accused SHIBA and DOI.
6. G. LOUHENAPESSY, Macassar, April 1945: accused SHIBA and DOI.
7. I. KAILOLA, Macassar, May 1945: accused SHIBA and DOI.
8. JO HO LENG, Macassar, September 1944: accused TOMITA and DOI.
9. M.J. SCHRAM, Macassar, October 1942: accused OKU.
10. TJANG KEN HONG, Macassar, April 1944: accused SHIBA and OKU.
11. Ch.H. Wensveen, Macassar, June-September 1943: accused OKU, MANABE, DOI, NAKASHIMA and SHIMITZU. Hung up head-downward by OKU, and thumb-mark put on a blank sheet of paper.
12. TOREKIRAN, Macassar, 1943: accused EGUCHI.
13. Sergeant AMAT, Macassar, 1943: accused EGUCHI.
14. Mrs. MORKS, Macassar, 1943: accused EGUCHI.
15. J. Chr. SAHELANGI, Macassar, June-July 1944: accused OKU.
16. L.P.E.W. KANDOU, Macassar, March-July 1944: accused OKU.
17. Mr. KANDOU, Macassar, March-July 1944: accused OKU.
18. M. SERAJAR, Macasaar, June 1941: accused OKU.
19. THIO HANG LENG, Macassar, March 1943: accused SHIMITSU. In prison for 2½ years and then sentenced to 7 years' imprisonment.
20. THOLNG TOK LEANG, Macassar, March 1943: accused SAKAI and DOI.
21. Mrs. GASPERSZ, Macassar, May 1943: accused TOMITA. Madjene, July 1944: accused SHIMITZU.
22. D.J. GASPERSZ, Macassar, May 1943: accused MASUDA: Badly ill-treated for six days running; re-arrested in July 1944 and died.
23. M.K.F. HENDRIKS, Palopo, July 1943: accused OKU, DOI and MANABE.
24. W.F. de QUILETTE, Macassar, July 1943: accused DOI and SHIBA. Victim burned with a hot bicycle bell and tortured with a stick in the hollow of his knees.
25. Three American airmen, Macassar, 1945: accused DOI en MOTOMURA.
26. M.E. VOLL, Palopo, 1945. Raped by accused MINAMI.
27. LAMIDE, Wadjo-Siwa, January 1943: accused SHIMITZU.
28. LA ROEGA, Wadjo-Siwa, January 1943: accused SHIMITZU.
29. J.M.L. LATUPERISSA, Palopo, July 1943: accused DOI and OKU.
30. S.P. SOLEMANA, Mamoejoe, Madjene, November 1944, accused SHIMITZU and OKU. Victim tied by SHIMITZU to the anchor of a boat and thrown overboard three times.

31. GOUW BENG HOEY, Madjene, November 1944: accused OKU. Victim shut up in prison for 8 months.
32. W... TEHUEPLORY, Madjene, 1944. Very serious ill-treatment by the TGKEITAI in Madjene, as a result of which the victim died on 29 July 1945.
- 33a. TJOKKANG, Mamoedjoe, 1944: accused SHIMITZU. Kicked victim in the face with his shod foot.
- 33 b. MARALI, Mamoedjoe, 1944: accused SHIMITZU. Right wrist broken through blows from a stick.
34. SAGERAN, Mamoedjoe, 1944: accused SHIMITZU, Victim, 57 years of age, kicked in the face with a shod foot.
35. Mrs. RAEDA, Mamoedjoe, 1944, accused SHIMITZU; beat the victim on the head with a stick.
36. TJATJO DANGA, Mamoedjoe, October 1944: accused SHIMITZU. Shut up for a week without food or drink.
37. SIKANG, Madjene, October 1944 : accused SHIMITZU.
38. SANGKALA, Madjene, January 1945: accused OKU. Victim tortured.
39. Mrs. Chr. SAMAN, Mamoedjoe, July 1944: accused SHIMITZU.
40. Mr. SAMAN, Mamoedjoe, July 1944: accused SHIMITZU. Completely stripped these two last mentioned persons, of whom the woman was in an advanced state of pregnancy, and tortured them in each others' presence in a way unworthy of a human being.
41. Mrs. SITTI MAEMOENA, Mamoedjoe, November 1944: accused SHIMITZU.
42. Mrs. SITTI HASNA, Mamoedjoe, November 1944: accused SHIMITZU. Tortured these last two persons in a way unworthy of a human being.
43. MUSTAPA, Mamoedjoe, November 1944: accused SHIMITZU and OKU. Victim was examined by SHIMITZU for three days and nights, being beaten, given nothing to eat or drink and bound to a post with a dog chain like an animal.
44. MOEHAMAD TAHA, Mamoedjoe, November 1944: accused SHIMITZU.
45. PABI, Mamoedjoe, November 1944: accused SHIMITZU.
46. S. ABDOERRACHMAN, Palopo, June 1943: accused DOI. Victim tortured.
47. MOSHAMAD, Palopo, June 1943: accused DOI.
48. AMAD TJAMBANG, Masamba, September 1943. Victim arrested by the TOKKEITAI and died in MASAMBA prison as a result of severe ill-treatment by the accused OKU.
49. DJAWI, Malili, January 1944, accused OKU.
50. PAUL TANDI, Malili, January 1944: accused OKU. So severely treated the person concerned that he was more dead than alive.
PAUL TANDI, Macassar, January 1944: accused OKU. Knocked three teeth out of the victim's mouth.
51. J. NIKIJWLWU, Palopo, October 1942: accused OKU. Torture.
52. SAERANG, Macassar, January 1943: accused OKU.
53. KAROEPLAN, Macassar, January 1943: accused OKU.
54. ABDOELRACHMAN, Macassar, January 1943: accused OKU.
55. SOUISA, Macassar, January 1943: accused OKU.
56. DJAWI, Macassar, January 1943: accused OKU.
57. PESIK, Macassar, January 1943: accused OKU.
58. GOMAR, Macassar, January 1943: accused OKU.
The persons concerned numbered 52,53,55,56,57 and 58, died as a result of the torturing they received.
59. ANDI MAKKASAOE, LAMANGGONG, Hadji ABDURRACHMAN, PANRE TAKKO, AMBO GOTJONG, ALI, LAPATANG, LA BATJO, LA HADJI, HALIMA, LA REWOE, LA PALLAWO, ANDI BANRI, arrested in Wadjo-Siwa by members of the TOKKEITAI among whom was the accused SHIMITZU, and brutally ill-treated.
60. ABDOEL WAHAB, Mamoedjoe, November 1944: accused OKU and SHIMITZU.
61. BALIE Dg. MASESE, Macassar 1943: SHIMITZU. Petrol was poured over the person concerned who was set alight.
62. ABDULRACHMAN, Macassar, March 1945: accused OKU.
63. ANDI PATOEROESI, Malili, August 1943: accused OKU.
ANDI PATOEROESI, Macassar, January 1944: accused OKU.
Before the person concerned was ill-treated he was first rolled up in a thin rug and was nearly suffocated by this.
64. G.J. PATIWAEL, Malili, July 1943: accused OKU.
idem , Masamba, January 1944: accused OKU.
idem , Macassar, beginning of 1944: accused OKU and SHIMITZU.

65. A. MANTOUW, Malili, August 1943: accused OKU.
66. OEMAR, Malili, September 1943: accused OKU.
67. idem, Masamba, September 1943: accused OKU.
idem, Posso, November 1943, accused OKU.
68. WINI GONI, Masamba, September 1943: accused OKU.
69. LAPULALAN, Masamba, September 1943: accused OKU.
70. PIET LESKONA, Masamba, September 1943: accused OKU.
71. SABANDER, " " " " "
72. KAIHENNA, " " " " "
73. DOMINGOES PATTIRANE, PALOPO, July 1943: accused OKU.
74. DAVID PATTIRANE, Palopo, July 1943: accused OKU.
75. LORE, Palopo, December 1943: accused OKU.
76. LIEM A WAN, Masamba, 1945: accused OKU. Severe Torture.
77. FRANCIEN LILIPALY, Macassar, September 1943: accused NAKATA and SHIMITZU, Seriously ill-treated and afterwards in hospital for some months with beri-beri.
78. M. PANGALILA, Macassar, January 1945: accused SHIBA and SHIMITZU.
79. Mrs. van PAENDONG, Macassar, January 1945: accused SHIBA Stripped and frightfully ill-treated.
80. PALONG, Macassar, March 1943: accused SHIMITZU.
81. ELIAS DJABIBI, Rantepao, July 1944, accused OKU.
82. D.F. PEA, Macassar, March-April 1943: accused OKU.
83. L. RUKUKAIL: accused OKU.
84. The brothers HAUMAHU: accused NAKATA.
85. HAMZAH: accused SHIMITZU and SAKAI.
86. J.P. ANLOHY: accused NAKASHIMA.
87. BAJA, accused SHIBA and DOI (Nicknamed " the tiger of Macassar").
88. THOENG TOK LEANG: accused DOI, EGUCHI, MASUDA, MINAMI, ONO, SENOO, SHIMITZU and SAKAI.
89. N. JONAS, PALOPO, August 1943: accused OKU.
90. ANG KOK PIENG: accused SHIMITZU.
91. W. PUPAMAKU: accused SENOO.
92. LIEM YOE HENG: accused SENOO and NAKASHIMA.(the TOKKEITAI executioner).
93. J.E. WIGERI van EDEMA: accused SENOO.
94. LIE TJAN WENG: accused OKU and NAKASHIMA.
95. L.L. SINAUW: accused SENOO.
96. J. HORHORUW: ACCUSED SHIMITZU.
97. J. LILIPALY: accused SAKAI.
98. TAMAILA: accused SHIMITZU.
99. OEMAR bin DJENOD, Palopo, September 1944: accused MASUDA.
100. Mrs. DARMA: Palopo, September 1944: accused MASUDA.
101. BASO bin DEJENOD, Palopo, September 1944: accused MASUDA.
102. VERA AUGUSTINA VOLLE, repeatedly raped and severely ill-treated by the accused MASUDA in the years 1943 and following up to the capitulation of Japan.

Considering that the following witnesses have declared among other things:

PAUL TANDI: that in the TOKKEITAI building in Macassar (January 1944) people were brutally ill-treated nearly every day by the TOKKEITAI during interrogations, after which they were either dragged or crept to their rooms.

BALIE Dg. MASESE: an average of 2 people died per day in the TOKKEITAI (building in Macassar (December 1943)).

HAMZAH: During the time of my imprisonment with the TOKKEITAI in Macassar I saw the accused MASUDA, MINAMI, SAKAI, SENOO, SHIMITZU and TOMITA beat people, hang them up etc.

ABDUL RASJID: As houseboy and jailer with the TOKKEITAI in Macassar with my own eyes I saw people tortured (witness gave a detailed description) by the accused DOI, SHIBA, SHIMIZU, OKU, MANABE and NAKASHIMA.

The witness also gave a lengthy explanation as to feeding, housing and treatment of arrestees, this being confirmed in full by the statement as a witness of the jailer IBRAHIM.

Considering that for all the above acts the perpetrators of the same must be held criminally responsible, but further the TOKKEITAI considered as a whole (group) also, seeing that these offences were all committed within the framework of the TOKKEITAI's activities, with this understanding however that the degree of responsibility must not be made the same for all the accused;

Considering with regard to this that the 1st accused was charged with the general issued by him, he allocated the duties, gave orders for the duty tours, and detachments took place entirely according to his submission, so that as far as he is concerned he must bear the greatest measure of responsibility for everything standing to the debit of the TOKKEITAI in Macassar;

Considering that the responsibility of the 2nd. accused as the 1st. accused's deputy follows directly on that of his chief;

Considering as far as the remaining accused are concerned that their responsibility must be prized as being mutually equal, following that of their immediate commandant (1st. accused) and the latter's deputy (2nd. accused), but with this modification however, that the 14th. accused DOI, Noboru, and 15th accused NAKATA Fusao were only appointed as respectively interpreter and chauffeur and further, that those taking part in the duty tours as also the detachments, had their independent activities and as such formed a sub-group of the TOKKEITAI, and those in charge of the duty tours and the heads of detachments had the greater responsibility and were thus more responsible than their fellow travellers and those subordinates who had also been detached with them;

Considering that through the above legal evidence the Court-martial has been convinced that the actions charged were committed, constituting the violation of the laws and customs of war to be closer specified in the dictum, and the aforesaid accused are guilty thereof as shown above, wherefore they deserve to be declared guilty and sentenced to punishment;

Considering with regard to the penalty, that the Court-martial is of the opinion that the gradation of responsibility shown above, considered in connection with the extent and gravity of the crimes committed by each of the accused, must be taken as a basis for this;

In view of the sentence passed by the Court- on the 15th. accused, NAKATA Fusao, No. T.Kr. 21/1946, dated 23 January 1947, and in connection therewith article 7 of Statute Book 1946 no. 45;

In view of the decision taken by the Court-martial at the first sitting that the accused shall be kept under arrest during the trial, and the order given at the sitting on Tuesday, 13 May 1947, that the 13th. accused, TERAYAMA Shoichi, be released immediately;

Also in view of Statute Books 44, 45, 46 and 47/1946;
Administering the Law:

In the name of the Queen!
Understands that the proceedings against the 7th. accused ONO Yoshio, shown at the head of this, have become obsolete by the latter's death;

Declares that no legal and convincing proof has shown the guilt of the 13th. accused, TERAYAMA Shoichi, shown at the head of this, in the charge brought against him;

Acquits him therefore of this;
Upholds the order whereby the immediate release of accused is required;

Declares the other accused shown at the head of this:

/ general control and all orders were

1st. accused-

1st. accused MOTOMURA Shigeki
2nd. accused SAKAI Chobei
3rd. accused TOMITA Yoshimitsu
4th. accused MINAMI Tooru
5th. accused MANABE Shigeo
6th. accused NAKASHIMA Susumu
8th. accused SHIBA Yoshihiro
9th. accused EGUCHI Tokyo
10th. accused SHIMITZU Isamu
11th. accused MASUDA Tamotsu
12th. accused OKU Masashige
14th. accused DOI Noboru
15th. accused NAKATA Fusao
16th. accused SENOO Shigeichi

each guilty of the war crimes of:

a "The carrying out of unlawful mass arrests"
b "Systematic terrorism, practised against civilians".

Sentences them on this account to:

✓ 1st. accused MOTOMURA Shigeki :	death
✓ 2nd. accused SAKAI Chobei :	death
✓ 3rd. accused TOMITA Toshimitsu :	one years' imprisonment
✓ 4th. accused MINAMI Tooru :	death
✓ 5th. accused MANABE Shigeo :	death
✓ 6th. accused NAKASHIMA Susumu :	death
✓ 8th. accused SHIBA Yoshihiro :	death
✓ 9th. accused EGUCHI Tokyo :	twenty years' imprisonment
✓ 10th. accused SHIMITZU Isamu :	death
✓ 11th. accused MASUDA Tamotsu :	fifteen years' imprisonment
✓ 12th. accused OKU Masashige :	death
✓ 14th. accused DOI Noboru :	death
✓ 15th. accused NAKATA Fusao :	five years' imprisonment
✓ 16th. accused SENOO Shigeichi :	twenty years' imprisonment.

Upholds the decision that accused I, II, III, IV, V, VI, VIII, IX, X, XI, XII, XIV, XV and XVI shall be kept in custody.

Understands that the costs of the trial shall be met by the State;

Sentence passed 16 May 1947 by

Lt. Col. Dr. N.M. Vellenga, Inf. Res.	President
Capt. J.A. Struyenkamp, Inf. K.N.I.L.)	Members
Capt. R. CLAPROTH, Inf. Res)	

in the presence of

1st. Lt. Dr. J.H. HORNUNG, Inf. Res and summed up and decreed the same day.	Secretary
--	-----------

The Members,

The President,

S/ R. Claproth
S/ STRUYENKAMP

S/ VELLENGA.

Fiat of execution, Macassar, 15 July 1947.
The Resident of South Celebes,

S/ C.LION CACHET.

-pronounced-

Pronounced at the public sitting of the Temporary Court-martial on 18 July 1947 by Lt. Col. Dr. N.M. VELLENGA, Inf. Res. president, in the presence of Capt. J.A. STRUYENKAMP, Inf. and Capt. ABDULLAH daeng MAPPOEDJI, Inf.res., members, 1st. Lt.Dr. J.H. HORNUNG, Inf. Res., secretary, Dr. E.MULLER, prosecutor, as well as in the presence of the accused and their counse~~ll~~.

The Secretary,
S/ HORNUNG.

The President,
S/ VELLENGA.